



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

VIA EMAIL AND REGULAR MAIL

[See List of Addressees Attached]

RE: Settlement Agreement and Order on Consent for Remedial Design,  
New Cassel/Hicksville Groundwater Contamination Superfund Site, OU1

Dear Sir/Madam:

I am writing in response to David Batson's June 13, 2016 response to my May 27, 2016 letter regarding a path to continuing our negotiations and ultimately signing a Settlement Agreement and Order on Consent for Remedial Design ("Agreement"), with associated Statement of Work ("SOW"), and Preliminary Design Investigation Work Plan ("PDIWP"), regarding Operable Unit One ("OU1") of the New Cassel/Hicksville Groundwater Contamination Site ("Site"). EPA has reviewed Mr. Batson's letter and your various comments previously submitted on the draft Agreement, SOW, and PDIWP, and the revised documents are enclosed. Set forth below are responses to many of your PDIWP and SOW comments. EPA will further explain our responses to your technical comments and discuss your comments on the Agreement when we meet on August 16, 2016. The revised drafts, and this letter, do not address comments relating to issues that were discussed in my May 27, 2016 letter. The discussion below is not exhaustive. EPA reserves its rights to raise additional issues and make additional changes to the documents as we proceed with negotiations.

For purposes of this response, the May 2, 2016 comments submitted on behalf of the Frost Street Parties, the May 9, 2016 comments submitted on behalf of Arkwin Industries, Inc. and Tishcon Corp., and the May 2, 2016 comments submitted on behalf of Island Transportation Corp. and IMC Eastern Corp., are hereinafter referred to as the Frost Street Comments, the Central Plume Comments and the Western Plume Comments, respectively.

SOW Comments

1. Comment II.1 (Frost Street Comments)) relating to the sampling method to be used for 1,4-dioxane: While, specific details such as those requested in the comments are generally decided in the development of the Quality Assurance Project Plan ("QAPP") to be submitted under the SOW, EPA nonetheless revised the PDIWP language to acknowledge that such details will be provided in the QAPP.
2. Comments II.2, II.3, II.4, and II.5 (Frost Street Comments) relating to Paragraphs V.1.d(v)(1), V.1.d(v)(2), V.1.d(v)(4), and V.1.e. of the SOW: No revisions were made to these Paragraphs as they are model language that cannot be changed and some of the comments will likely be addressed in the QAPP.

3. Comment II.6 (Frost Street Comments) and Comment 3 (Western Plume Comments) related to the collection of additional data not already contemplated in the PDIWP: EPA revised the SOW to allow for Relevant Respondents to propose additional sampling for EPA review and approval.
4. Comment II.7 (Frost Street Comments): No changes were made as a result of the comment. A pilot test is inherently scaled to determine the effectiveness of the particular treatment tested. The purpose of the pilot test is to determine if the hypothesis suggested in the comment is true or not.
5. Comments II.8, II.9, and II.10 (Frost Street Comments): The requested changes were made.
6. Paragraph 1 (Central Plume Comments under “Comments on the OU-1 Scope of Work” (hereinafter “Central Plume SOW Comments”) relating to the mechanism for evaluating data collected in the PDI prior to proceeding with the RD process: Respondents’ submission of the PDI Recommendations Report and subsequent in-person presentation to EPA is the mechanism that will be utilized to inform EPA’s decision with respect to which PDI directive (PDI Directives 4, 5 or 6) each Respondent Group would be required to perform in order to inform the Remedial Design. EPA has amended the SOW schedule to allow for additional time to prepare the PDI Recommendations Report after submission of the Addendum to the PDI Directive 1 Technical Memorandum (following performance of PDI Directive 1, Round 2) and also to hold the in-person PDI Recommendation presentation.
7. Paragraph 2 (Central Plume SOW Comments) relating to the perceived arbitrariness of the locations for the installation of vertical profile wells and the anticipated difficulty that may be encountered in securing access for the installation of such wells: With respect to the locations of the vertical profile wells, see Table 3 of the PDIWP for EPA’s rationale for the vertical profile boring locations in the central plume. As to concerns regarding access and community response, please note that the locations were selected because they coincide with known data gaps. Respondents may propose alternate locations if utilities prevent access or in consideration of other factors as long as the alternate location addresses the identified data gap. EPA is mindful of the challenges that may be encountered in securing access but EPA also knows that the respective authorities have provided permission for activities such as those required by the PDIWP in similar locations at this site in the past. However, in recognition of these potential issues which may arise, EPA revised Paragraphs 71 (“best efforts”) and 92 (stipulated penalties) of the Agreement relating to access. Note that while authorization to proceed with PDI Directives 1 and 2 will be issued after EPA approves the QAPP, Respondents may begin discussions to obtain access with property owners and government entities, thereby extending the timeframes to complete such work significantly.
8. Paragraph 3 (Central Plume SOW Comments) dealing with two timing issues; timing of coordination amongst Respondent Groups in submitting the Remedial Design Work Plan (“RDWP”) and timing of PDI Directives 1 and 2: With respect to the coordinated submittal of the RDWP, while EPA expects the parties to work together to submit this and other

deliverables in a coordinated, combined, comprehensive, and cohesive manner, EPA recognizes that issues may arise which could undermine this goal. As such, EPA revised Paragraph 51 of the Agreement to provide more flexibility for EPA to allow for separate submittals of deliverables if EPA believes it is warranted. With respect to the timing of PDI Directives 1 and 2, there appears to be some confusion as to the sequence of these deliverables. Respondents will perform Round 1 of PDI Directive 1 (sampling of existing monitoring wells) then submit the PDI Directive 1 Technical Memorandum. This is PDI Directive 1, Round 1. Respondents will then perform PDI Directive 2 which is the installation of additional monitoring wells and groundwater profiling and submit the PDI Directive 2 Technical Memorandum. After the installation of the additional borings and monitoring wells required pursuant to PDI Directive 2, Respondents will perform Round 2 of PDI Directive 1, and submit the PDI Technical Memorandum Addendum. Once all of the sampling work has been completed, Respondents will submit the PDI Recommendations Report and present their recommendations at the PDI Recommendations Report presentation. Note that the trigger for all sampling is EPA's authorization to proceed with that particular sampling event.

9. Paragraph 4 (Central Plume SOW Comments) relating to utilization of in-well vapor stripping and suitable locations to carry out the in-well vapor stripping pilot test: EPA responded to similar comments on the use of in-well vapor stripping at this site in the Responsiveness Summary attached to the OU1 Record of Decision ("OU1 ROD") for the Site and will not repeat those responses here. EPA does not agree that the High School would be the only suitable location to carry out the pilot test. The pilot test location(s) will be identified by the location of the plume determined after implementation of PDI Directives 1 and 2. There are commercial and industrial properties where vapor treatment could occur that would be more preferable to school property. Please refer to Figure 4 of the NCHGW OU1 Baseline Human Health Risk Assessment for land use considerations in OU1.

#### PDIWP Comments

1. Comments III.1, III.2, III.3.a, and III.3.d (Frost Street Comments) relating to specific modifications for PDI Directives 1 and 2: The issues raised in these comments will be discussed in the development of the QAPP.
2. Comment III.3.b (Frost Street Comments): EPA revised the 2<sup>nd</sup> full paragraph on page 7 of the PDIWP related to PDI Directive 2 to require a minimum of a two-inch well diameter.
3. Comment III.3.c (Frost Street Comments) regarding limiting the time EPA would have to approve a longer screen length to 24 hours: While EPA recognizes that a field decision such as approving a longer screen length is a time critical decision and EPA expects to accommodate such a request within normal working hours, EPA will not guarantee a specified timeframe.
4. Comment III.4 (Frost Street Comments) relating to the Frost Street Parties' preference for Effluent Discharge Evaluation Option 3 of PDI Directive 3 (discharge of treated

groundwater through a connection to the Nassau County sanitary sewer system): EPA revised the PDIWP by deleting the requirement to show that Options 1 and 2 are not feasible before proceeding to assess Option 3 and added a consideration of certain factors to the Option 3 evaluation.

I look forward to meeting with you on August 16<sup>th</sup>. I am ever hopeful for a successful conclusion to these negotiations. If you have any questions in the meantime, please do not hesitate to call me.

Thank you for your consideration.

Sincerely,

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cc: David Batson

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